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EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,730

Applicant(s)

HARTMAN ET AL.

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-15, 23-30 and 38-45 is/are allowed.
- 6) ☒ Claim(s) 1-7, 16-22 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Applicants canceled claims 46-51 in the amendment filed 05/30/2003. The pending claims are 1-45.

Response to Arguments

2. Applicant's arguments filed 05/30/2003 have been fully considered but they are not persuasive.

As argued by applicants:

The Duwaer et al et al patent does not disclose, teach or suggest the features of identifier file objects as recited in independent claims 1, 16 and 31.

Examiner respectfully traverses because of the following reasons:

Claims 1, 16 and 31 were amended by adding: *the arrangement of the content entity identifiers within the list corresponds to the content object structure and the content entity identifiers are determined by the processing system and placed in the list in response to user selection of content entities for the content object, and the content entity identifiers each include identification information identifying the content file object containing the content entity associated with that identifier.*

As shown in Duwaer FIG. 2 is a layout example of a *select tracks* tab that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information*

tab that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specifies *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specifies *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected (col. 2, line 49-col. 4, line 10). As shown in FIG. 5 is a layout example after a selection had been made of the same compilation creation tab. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. After the selection has narrowed down to one single item, button 70 allows storing the result of the compilation operation, and the user is prompted to give the compilation a name (col. 4, lines 10-50). FIG. 6 is a layout example of a compilation playback/recording tab. Field 104 displays the names of the actual compilations that are present in the system wherein the created *Demo Compilation* in Fig. 5 is shown. As seen, *Demo Compilation as an identifier file object containing a list of item names or track names as content entity identifiers defining the content of each item as the content object, wherein the arrangement of the content entity identifiers within the list corresponds to the order of the items manipulated by the user as content object structure and the content entity identifiers are*

determined by the processing system and placed in the list in response to user selection of the items in Fig. 5 as content entities for the content object. As shown in Fig. 4, Track [159] contains the items for compilation as a plurality of content file object, each containing a content entity identified by one of the content entity identifiers contained in said list, wherein the content entity identifiers each include identification information identifying the content file object containing the content entity associated with that identifier.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 7, 16-20, 22, 31-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627].

Regarding to claim 1, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). As shown in FIG. 2 is a layout example of a *select tracks tab* that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information tab* that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specifies *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specifies *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected (col. 2, line 49-col. 4, line 10). As shown in FIG. 5 is a layout example after a selection had been made of the same compilation creation tab. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. After the selection has narrowed down to one single item,

button 70 allows storing the result of the compilation operation, and the user is prompted to give the compilation a name (col. 4, lines 10-50). FIG. 6 is a layout example of a compilation playback/recording tab. Field 104 displays the names of the actual compilations that are present in the system wherein the created *Demo Compilation* in Fig. 5 is shown. As seen, *Demo Compilation* of Fig. 5 as *an identifier file object containing a list of* item names or track names as *content entity identifiers defining the content* of each item as *the content object, wherein the arrangement of the content entity identifiers within the list corresponds to the* order of the items manipulated by the user as *content object structure and the content entity identifiers are determined by the processing system and placed in the list in response to user selection of the* items in Fig. 5 as *content entities for the content object*. As shown in Fig. 4, Track [159] contains the items for compilation as *a plurality of content file object, each containing a content entity identified by one of the content entity identifiers contained in said list, wherein the content entity identifiers each include identification information identifying the content file object containing the content entity associated with that identifier*. Duwaer does not explicitly teach *the presence and position of content entity identifiers within said list is modifiable by a user to alter content and arrangement of the content object without manipulating the content entities identified by said content entity identifiers*. However, the button 62 of Fig. 5 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track could be altered by adding, removing, or in other word, *the presence and position of*

content entity identifiers within said list is modifiable by a user to alter content and arrangement of the content object without manipulating the content entities identified by said content entity identifiers. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including modifiable content entity identifiers to alter content and arrangement of the content objects, and by doing this, the method, computer program, and the system allows a user adding or removing the item for creating a compilation.

Regarding to claim 2, Duwaer teaches all the claimed subject matters as discussed in claim 1, and further discloses: *an attribute file object containing at least one attribute pertaining to the content object* (Col. 4, lines 47-50).

Regarding to claim 3, Duwaer teaches all the claimed subject matters as discussed in claim 1, Duwaer further discloses: *at least one attribute is extracted from the content object* (FIG. 6).

Regarding to claim 4, Duwaer teaches all the claimed subject matters as discussed in claim 1, Duwaer further discloses: *ones of the content entities further comprise components associated with the content object, and said file structure further comprises one or more associated component file objects* (Col. 1, lines 25-45).

Regarding to claim 5, Duwaer teaches all the claimed subject matters as discussed in claim 1, Duwaer further discloses: *the content object is one of a book, a collection of images, an album, and a video* (Col. 1, lines 25-45).

Regarding to claim 7, Duwaer teaches all the claimed subject matters as discussed in claim 4, Duwaer further discloses: *at least one of the associated components comprises an image* (Col. 1, lines 25-45).

Regarding to claims 16 and 31, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). As shown in FIG. 2 is a layout example of a *select tracks tab* that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information tab* that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specifies *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specifies *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the medium itself, such as from a table of contents. As

shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected (col. 2, line 49-col. 4, line 10). As shown in FIG. 5 is a layout example after a selection had been made of the same compilation creation tab. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. After the selection has narrowed down to one single item, button 70 allows storing the result of the compilation operation, and the user is prompted to give the compilation a name (col. 4, lines 10-50). FIG. 6 is a layout example of a compilation playback/recording tab. Field 104 displays the names of the actual compilations that are present in the system wherein the created *Demo Compilation* in Fig. 5 is shown. As seen, the technique of creating the *Demo Compilation* of Fig. 5 indicates the step of *storing a list of* item names or track names *as content entity identifier defining the content and arrangement of* a compilation as *the work within* the *Demo Compilation as an identifier file object, wherein the arrangement of the content entity identifiers within the list corresponds to the* order of the items manipulated by the user as *content object structure and the content entity identifiers are determined by the processing system and placed in the list in response to user selection of* the items in Fig. 5 as *content entities for the content object*. As shown in Fig. 4, Track [159] contains the items as *a plurality of content file objects* for compilation indicates the step of *storing the content entities identified by the content entity identifiers within a plurality of content file objects with each content file object containing a content entity identified by one of the content entity identifiers contained in said list, wherein the content entity identifiers each include identification information identifying the content file object containing the content*

entity associated with that identifier. Duwaer does not explicitly teach the step of *enabling modification of the presence and position of content entity identifiers within said list by a user to alter content and arrangement of the work without manipulating the content entities identified by said content entity identifiers*. However, the button 62 of Fig. 5 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track could be altered by adding, removing, or in other word, *enabling modification of the presence and position of content entity identifiers within said list by a user to alter content and arrangement of the work without manipulating the content entities identified by said content entity identifiers*.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including the step of enabling modification content entity identifiers to alter content and arrangement of the work, and by doing this, the method, computer program, and the system allows a user adding or removing the item for creating a compilation.

Regarding to claim 17, Duwaer teaches all the claimed subject matters as discussed in claim 16, and further discloses the step of *storing at least one attribute pertaining to the work in an attribute file object* (Col. 4, lines 47-50).

Regarding to claim 18, Duwaer teaches all the claimed subject matters as discussed in claim 16, Duwaer further discloses: *at least one attribute is extracted from the work* (FIG. 6).

Regarding to claim 19, Duwaer teaches all the claimed subject matters as discussed in claim 16, Duwaer further discloses: *ones of the content entities further comprise components associated with the work, and further comprising the step of storing the components in one or more associated component file objects* (Col. 1, lines 25-45).

Regarding to claim 20, Duwaer teaches all the claimed subject matters as discussed in claim 16, Duwaer further discloses: *the work is one of a book, a collection of images, an album, and a video* (Col. 1, lines 25-45).

Regarding to claim 22, Duwaer teaches all the claimed subject matters as discussed in claim 19, Duwaer further discloses: *at least one of the associated components comprises one of an image, a video segment, and an audio segment* (Col. 1, lines 25-45).

Regarding to claim 32, Duwaer teaches all the claimed subject matters as discussed in claim 31, and further discloses: *creating an attribute file object containing at least one attribute pertaining to the content object* (Col. 4, lines 47-50).

Regarding to claim 33, Duwaer teaches all the claimed subject matters as discussed in claim 31, Duwaer further discloses: *at least one attribute is extracted from the content object* (FIG. 6).

Regarding to claim 34, Duwaer teaches all the claimed subject matters as discussed in claim 31, Duwaer further discloses: *ones of the content entities further comprise components associated with the content object, and further comprising the third set of program instruction for creating one or more associated component file objects* (Col. 1, lines 25-45).

Regarding to claim 35, Duwaer teaches all the claimed subject matters as discussed in claim 31, Duwaer further discloses: *the content object is one of a book, a collection of images, an album, and a video* (Col. 1, lines 25-45).

Regarding to claim 37, Duwaer teaches all the claimed subject matters as discussed in claim 34, Duwaer further discloses: *at least one of the associated components comprises an image, a video segment and an audio segment* (Col. 1, lines 25-45).

5. Claims 6, 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627] in view of DeRose et al. [USP 5,557,722].

Regarding to claims 6 and 36, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 31, but fails to disclose: *the content object is a book and ones of the content entities are one of volumes, chapters and sections*. DeRose teaches a system for indexing and rendering electronic documents, especially electronic books, having descriptive markup and hierarchical content (DeRose, Col. 1, lines 10-20). DeRose further discloses *a book and ones of the content entities are one of volumes, chapters and sections* (DeRose, FIG. 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer technique by defining a book as a content object in order to compile a research with the specified chapters or sections.

Regarding to claims 21, Duwaer teaches all the claimed subject matters as discussed in claims 16, but fails to disclose: *the work is a book and ones of the content entities are one of volumes, chapters and sections*. DeRose teaches a system for indexing and rendering electronic documents, especially electronic books, having descriptive markup and hierarchical content (DeRose, Col. 1, lines 10-20). DeRose further discloses *a book and ones of the content entities are one of volumes, chapters and sections* (DeRose, FIG. 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer technique by defining a book as a content object in order to compile a research with the specified chapters or sections.

Allowable Subject Matter

6. Claims 8-15, 23-30 and 38-45 are allowed.

The following is an examiner's statement of reasons for allowance:

The closest available prior arts, USP 5,959,627, issued to Duwaer et al. also teaches a file structure for storing a hierarchically structured content object capable of being produced by a processing system and having a plurality of content entities to facilitate content adjustment. However, as in claims 8 and 38, Duwaer fails to teach or suggest *an identifier file object containing an outline of containers and content entity identifiers defining the content and corresponding to a hierarchical structure of the content object, wherein each container represents a hierarchical structure tier and includes at least one content entity identifier forming a subordinate hierarchical tier, and the content entity identifiers are determined by the processing system and placed in the outline in response to user selection of content entities for the content object*. In claim 23, Duwaer fails to teach or suggest the step of *storing an outline of containers and content entity identifiers defining the content and corresponding to a hierarchical structure of the work within an identifier file object, wherein each container represents a hierarchical structure tier and includes at least one content entity identifier forming a subordinate hierarchical tier, and wherein the content entity identifiers are determined by the processing system and placed in the outline in response to user selection of content entities for the work*. Therefore, the invention is allowable over

the prior arts of record for being directed to a combination of claimed elements including the providing steps as indicated above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
August 5, 2003



JEAN M. CORRIELLUS
PRIMARY EXAMINER